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July 30, 2013

VIA ECFS

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Notice of *Ex Parte* Presentation, CG Docket Nos. 13-24 & 03-123

Dear Ms. Dortch:

On July 26, 2013, Claude Stout, Executive Director, Telecommunications for the Deaf and Hard of Hearing, Inc. (“TDI”) and Chair, Deaf and Hard of Hearing Consumer Advocacy Network (“DHHCAN”); Lise Hamlin, Director, Public Policy, Hearing Loss Association of America (“HLAA”) and Linda Kozma-Spytek, Research Audiologist, Rehabilitation Engineering Research Center on Telecommunications Access (“RERC-TA”) (together, “Consumer Groups”) along with the undersigned of Bingham McCutchen LLP on behalf of TDI met with Karen Strauss, Gregory Hlibok,¹ Eliot Greenwald, and Elaine Gardner from the Consumer and Government Affairs Bureau (“CGB”) to discuss the proposed final Internet Protocol Captioned Telephone Service (“IP CTS”) rules the Commission is considering that may replace the interim IP CTS rules now in effect.²

During the meeting, we discussed issues associated with the Commission’s interim default captioning-off rule for IP CTS and explained that the Commission should not impose this requirement in its final rules, especially for IP CTS consumers that live alone. Consumer Groups explained that if IP CTS providers are required to obtain and retain documentation from those consumers that qualify for a hardship exemption of the default-off rule, the Commission should audit the documentation kept to ensure that the exemption is properly met. We stated that

¹ Mr. Hlibok joined the meeting via telephone.

² *Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 13-24 & 03-123, Order and Notice of Proposed Rulemaking, 28 FCC Rcd 703, Appendix D & E (2013).

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because a correlation exists between dementia and hearing loss, the Commission may see many individuals with dementia qualifying for this exemption.

In addition, we mentioned that any prohibition against programs that give away equipment to potential IP CTS users at no cost or a *de minimis* cost should not apply to low-income IP CTS consumers.³ We stressed that to ensure such low-income consumers across the nation can access IP CTS, the Commission should not rely on state-sponsored IP CTS phone distribution programs to accomplish this objective because such programs are not available in every state. Consumer Groups also indicated that the Commission should be cautious about delegating the administration of IP CTS to the states because, among other things, doing so will likely hamper competition among IP CTS providers since states pick only one provider per state to provide IP CTS.

We further noted that the Telecommunications Industry Association (TIA) has a new voluntary standard for amplified (also referred to as “high gain”) telephones. We explained that although such amplification is good, issues exist with the amplified telephones and that IP CTS phones generally provide the best amplification.

Consumer Groups further discussed whether there should be a requirement to override captions off for 911 calls. We explained that the button to turn captioning on is sticky on certain IP CTS phones and that the Commission needs to ensure IP CTS providers offer IP CTS equipment that engages captioning by pressing a button only once. In addition, we noted that the Commission needs to ensure that the speech recognition software IP CTS providers utilize continues to improve.

Respectfully submitted,

/s/ Philip Macres

Philip J. Macres

Counsel for TDI

cc (by email):
Karen Strauss

³ See also Comments of TDI *et al.*, CG Docket Nos. 13-24 and 03-123, at 5-7 (filed Feb. 26, 2013).

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Gregory Hlibok
Eliot Greenwald
Elaine Gardner